

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

TIMOTHY LEE STEWART, SR.,

Petitioner,

v.

Case No. 17-cv-1480-pp

WARDEN ROBERT HUMPHREYS,

Respondent.

**ORDER GRANTING PETITIONER'S REQUEST
FOR VOLUNTARY DISMISSAL (DKT. NO. 30)**

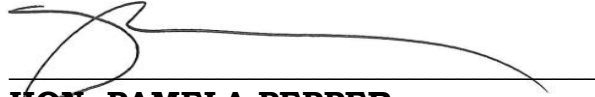
On October 31, 2018, Magistrate Judge Duffin issued a recommendation that this court grant the respondent's motion to dismiss the amended petition. Dkt. No. 28. The petitioner filed an objection on November 20, 2018. Dkt. No. 29. Eight days later, the court received a letter from the petitioner, asking the court to dismiss the petition. Dkt. No. 30. Under Federal Rule of Civil Procedure 41(a)(1), a party may dismiss a case voluntarily, without a court order, only if he asks to do so before the other side has answered or otherwise responded, or of the other side agrees. Here, the other side had responded, and the petitioner did not state that the respondent agreed. The court delayed in ruling on the petitioner's motion, in case the respondent wanted to object to it. It has been over six weeks, and the respondent has not objected.

The court **GRANTS** the petitioner's request for voluntary dismissal. Dkt.

No. 30. The court **ORDERS** that the petition, and this case, are **DISMISSED**.

Dated in Milwaukee, Wisconsin this 17th day of January, 2019.

BY THE COURT:

A handwritten signature in black ink, appearing to be 'P. Pepper', written over a horizontal line.

HON. PAMELA PEPPER
United States District Judge